

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TROY PONTON,	:	
Plaintiff,	:	
v.	:	Civil Action No. 02-138J
SUPERINTENDENT JOHN McCULLOUGH,	:	
S.C.I. HOUTZDALE, JOAN BAILEY,	:	
T. DOUGHERTY, and UNIT MANAGER	:	
WHITESAL,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On August 25, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 42, recommending that the defendants' motion for summary judgment, docket no. 24, be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 19th day of September, 2006, it is

ORDERED that, defendants' motion for summary judgment, docket no. 24, is denied. The Report and Recommendation is adopted as the Opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written with a large, stylized "K". The last name "Gibson" is written with a large, stylized "G".

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

counsel of record (Love, Passarelli)